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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues Against:

Case No. 2008-211

12 **PAULA RAE GIVENS**
13 504 W. Viejo
Friendswood, Texas 77546

STATEMENT OF ISSUES

14 Respondent.

15
16 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

17 **PARTIES**

18 1. Complainant brings this Statement of Issues solely in her official capacity
19 as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

20 **Application Information**

21 2. On or about April 30, 2007, the Board of Registered Nursing, Department
22 of Consumer Affairs received an Application for Licensure by Endorsement from Paula Rae
23 Givens ("Respondent"). On or about November 28, 2006, Paula Rae Givens certified under
24 penalty of perjury to the truthfulness of all statements, answers, and representations in the
25 application. The Board denied the application on June 29, 2007.

26 **STATUTORY PROVISIONS**

27 3. Section 2736 of the Business and Professions Code ("Code") provides, in
28 pertinent part, that the Board of Registered Nursing ("Board") may deny a license when it finds

1 that the applicant has committed any acts constituting grounds for denial of licensure under Code
2 section 480.

3 4. Code section 480 states:

4 (a) A board may deny a license regulated by this code on the grounds that
5 the applicant has one of the following:

6 (1) Been convicted of a crime. A conviction within the meaning of this
7 section means a plea or verdict of guilty or a conviction following a plea of nolo
8 contendere. Any action which a board is permitted to take following the
9 establishment of a conviction may be taken when the time for appeal has elapsed,
or the judgment of conviction has been affirmed on appeal, or when an order
granting probation is made suspending the imposition of sentence, irrespective of
a subsequent order under the provisions of Section 1203.4 of the Penal Code.

10 (3) Done any act which if done by a licentiate of the business or
profession in question, would be grounds for suspension or revocation of license.

11 The board may deny a license pursuant to this subdivision only if the
12 crime or act is substantially related to the qualifications, functions or duties of the
business or profession for which application is made.

13 5. Section 2761 of the Code states:

14 The board may take disciplinary action against a certified or licensed nurse
15 or deny an application for a certificate or license for any of the following:

16 (f) Conviction of a felony or of any offense substantially related to the
17 qualifications, functions, and duties of a registered nurse, in which event the
record of the conviction shall be conclusive evidence thereof.

18 **CAUSE FOR DENIAL OF APPLICATION**

19 **(Criminal Convictions)**

20 6. Respondent's application is subject to denial under Code sections 480,
21 subdivision (a)(1) and 2761, subdivision (f), in that Respondent has been convicted of the
22 following crimes that are substantially related to the qualifications, functions, and duties of a
23 registered nurse:

24 a. On May 29, 2007, in the Tucson City Court, Tucson, Arizona, in the
25 matter entitled *State of Arizona vs. Paula Givens* (Tucson City Ct., Tucson, Arizona, 2007,
26 Docket No. TR7020832), Respondent was convicted by the court on her plea of guilty of
27 violating A.R.S. 20-1381A1 (driving under the influence), a misdemeanor.

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b. On January 19, 2006, in the County Criminal Court, Harris County, Texas, in the matter entitled *The State of Texas vs. Paula Rae Givens* (Cty. Crim. Ct., Harris Cty, Texas, 2005, Cause No. 1320104) Respondent was convicted on her plea of guilty of violating section 3 of Article 42.12 of the Texas Code of Criminal Procedure (driving while intoxicated), a misdemeanor.

SECOND CAUSE FOR DENIAL OF APPLICATION

(Acts Which if Done by a Licentiate Constitute Cause for Discipline)

7. Respondent's application is subject to denial pursuant to Code section 480, subdivision (a)(3), in that Respondent committed acts which if done by a licentiate of the profession would constitute discipline pursuant to Code sections 2761, subdivision (f); 2762, subdivisions (b) and (c).

PRA YER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Paula Rae Givens for a registered nurse license;
2. Taking such other and further action as deemed necessary and proper.

DATED: 1/18/08

Phil Hubbey for
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant